

AMENDED IN ASSEMBLY APRIL 26, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1634**

**Introduced by Assembly Member McCarthy**

February 22, 2005

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An act to amend Section 38 of the Insurance Code, relating to notice.

LEGISLATIVE COUNSEL'S DIGEST

AB 1634, as amended, McCarthy. Insurance: notice.

Existing law provides that, unless expressly otherwise provided, any notice required to be given to any person by any of specified provisions of law may be given by mailing notice, postage prepaid, addressed to the person to be notified, at his or her residence or principal place of business in this state. Existing law provides that the affidavit of the person who mails the notice, stating the facts of the mailing, is prima facie evidence that the notice was mailed.

This bill would ~~delete the provision regarding the status of the affidavit as prima facie evidence that notice was mailed~~ *specify various other means of demonstrating that notice was mailed, including by adhering to any generally accepted business practice stating the facts of the mailing.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 38 of the Insurance Code is amended to  
2 read:

1     38. Unless expressly otherwise provided, any notice required  
2 to be given to any person by any provision of this code may be  
3 given by mailing notice, postage prepaid, addressed to the person  
4 to be notified, at his or her residence or principal place of  
5 business in this state. *A person may demonstrate compliance with*  
6 *this section by means of an affidavit of the person who mails the*  
7 *notice, a certificate of mailing issued by the United States Postal*  
8 *Service, a mailing list routinely created by the person showing*  
9 *the date on which the notice was mailed, or by adherence to any*  
10 *other generally accepted business practice stating the facts of the*  
11 *mailing.*